

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2007-094087

06/29/2009

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT
C. Gauna/C. Brandes
Deputy

IN RE THE MATTER OF
DORIS C WILLIAMS

DORIS C WILLIAMS
729 N JACKSON ST
CHANDLER AZ 85225

AND

HENRY THOMAS WILLIAMS JR.

HENRY THOMAS WILLIAMS JR.
11343 E JENAN DR
SCOTTSDALE AZ 85259

FAMILY COURT SERVICES-CCC

UNDER ADVISEMENT
ORDER RE: PARENTING TIME, CHILD SUPPORT, DEPENDENCY EXEMPTION

The Evidentiary Hearing in this matter was held on June 23, 2009. Following the Evidentiary Hearing, the Court took the matter under advisement. The Court has since reviewed the testimony presented, the exhibits introduced into evidence, the case history and pleadings filed, and the arguments of the parties. Based thereon, the Court finds and orders as follows:

The parties have two minor children, Hannalee (age 8) and Sean (age 5). The current schedule allows Father weekly contact to include one overnight each month. Father is seeking expansion to include overnights every Thursday. He is also seeking alternating weekends with the children to coincide with his work schedule. He would start on Saturday after work and continue until either late Sunday or Monday morning.

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There are some logistic issues to be considered. The parties reside 22 miles apart. Father's work schedule has him off on Thursday with a flexible start time on Friday morning. He testified that this allows him to pick up and drop off the children. He is also off from work every Sunday.

Father believes that his present limited time does not allow him to effectively parent the children. He feels "marginalized" under the current schedule. He feels his time with the children is rushed. He acknowledges that there would be an adjustment period for the children but that they would respond favorably over the long term.

Father has accommodations for the children. Further, he believes the children have developed a positive relationship with his significant other. Mother counters this by noting that his significant other was "the other woman" and that raises concerns for Mother about character quality issues.

Father has made efforts to remain informed about the children's schooling and works on reading when he has them under the current schedule. Mother questions this noting that by comparison, Mother has been far more involved in their education.

Mother is opposed to changes in the schedule. She feels she has accommodated additional time for Father (as exemplified on Father's Day). Further, she stresses education and feels that Father did not participate historically in school. She also believes that Father's educational skills are limited and is concerned that additional time with Father would impair the children's educational progress. While Mother may have a greater focus or commitment to education, there is no showing that Father's time with the children would be detrimental.

It is Mother's perception that Father lacks respect for woman and this will permeate to Sean. She asserts that Sean is at times defiant after returning from a visit with Father.

It is noted that Mother has done well in the primary parenting role. There is no basis (nor is Father requesting) to change that role in any significant fashion. Nonetheless, increases in Father's parenting time from his current minimal schedule to greater time would not disrupt Mother's primary role.

Both parties report improvements in communication since participation in the High Conflict Resolution Class. Mother remains skeptical as to whether this will continue for Father on a long term basis. Father should view this as an opportunity to prove over time his new approach to issues and that Mother is mistaken in not trusting him to change.

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IT IS ORDERED that Father's parenting time with the children shall be expanded, as follows:

1. **Regular Access Schedule** – On alternating weekends, Father shall have time with the children from Saturday at 7:00 p.m. until Sunday at 5:00 p.m.

In addition, Father shall have parenting time with the children each Thursday. For those Thursdays that immediately precede Father's weekend parenting time in alternating weeks, he shall have the children from pick up at school on Thursday (3:15 p.m. or following an after school program) until 8:00 p.m. On the Thursdays that immediately precede Mother's alternating weekends with the children, Father shall have the children from after school (or 3:15 p.m.) on Thursday until drop off at school on Friday morning (on time). This schedule affords Father one overnight with the children each week (varying between Thursday night and Saturday night in alternating weeks).

In addition to the foregoing, Father may have the children from October 16, 2009 through October 18, 2009 for a family/work event.

2. **Summer** – The regular schedule shall apply during the summer with the exception of vacation travel. For vacation travel, each parent is entitled to one week (7 days) with the children. To exercise this option, the traveling parent shall provide written notice to the other parent at least 30 days in advance of the anticipated departure date.

Further, no later than seven (7) days before the scheduled travel, the traveling parent shall provide the other parent with a full, written travel itinerary. It shall include information relating to mode of transportation, specific destinations, accommodations and telephone numbers.

3. **Holidays** – As previously ordered and except as set forth below, most major holidays shall continue to be assigned to Mother. However, Father is entitled to Father's Day each year from Sunday at 9:00 a.m. to 5:00 p.m. In addition, Father shall be entitled to have the children on Thanksgiving Day from 3:00 p.m. until 8:00 p.m. in even numbered years. Mother is assigned Thanksgiving in odd numbered years. For Christmas, Father shall have the children on Christmas Eve from 10:00 a.m. until 9:00 p.m. in even numbered years and on Christmas Day from 2:00 p.m. on December 25th until 9:00 a.m. on December 26th in odd numbered years. If Mother travels for Christmas in any year, Father shall have both Christmas Eve and Day in the following year.
4. **Transportation** – Father is responsible for providing transportation of the children under this plan. In an urgent situation only, if Father has car trouble or other unforeseen events

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that interferes with his ability to transport the children, he may have his significant other transport the children. This shall occur in exceptional circumstances only.

5. **Telephone Contact** – Each parent is entitled to have reasonable telephone contact with the children when in the care of the other parent. Each parent is expected to facilitate the other parent's telephone contact.
6. **Child Support** – Given the previous deviation ordered on June 30, 2008 and after taking into account the increase in parenting time detailed above, there is no basis to modify the current child support award. It is affirmed at \$750 per month, as previously ordered.
7. **Dependency Exemption** – Commencing in tax year 2009, Mother shall continue to claim Hannalee and Father shall claim Sean each year for the dependency exemption.
8. **Financial Claims** – The parties shall meet with their mutual acquaintance, Jim Guthrie, to address amounts owed by Father under the terms of the Decree (non-support) and expenditures since entry of the Decree. It is expected that they shall resolve the issues through those means. If not successful, all such claims and defenses thereto are fully preserved as they were not presented during these proceedings.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81(D), Arizona Rules of Family Law Procedure.

Dated this 29th day of June, 2009

/S/ BRUCE R. COHEN

BRUCE R. COHEN
SUPERIOR COURT JUDICIAL OFFICER

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.